

**Amendments to the Drawings:**

The attached sheet of drawings includes a new FIG. 44.

Attachment: New Sheet

## REMARKS

### **I. Status of the Application**

Claims 1-13 and 31-32 are pending in this application. Applicant gratefully acknowledges the Examiner's withdrawal of the objection to the specification and of the prior art rejections of record. The drawings have been objected to under 37 C.F.R. §1.83(a). Claim 32 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 12, 31 and 33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Busenbender, U.S. Patent Appln. Pub. No. 2002/0081478. Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Busenbender in view of Marianowski, U.S. Patent No. 6,261,710.

Applicant respectfully requests entry of the foregoing remarks, and reconsideration of the pending claims.

### **II. Objections**

The drawings are objected to under 37 C.F.R. §1.83(a) because, the Examiner asserts, the drawings must show every feature of the invention specified in the claims. The Examiner is of the opinion that the coiling of the sheet after the sheet has been passed through the tool must be shown or the feature cancelled from the claim. The Examiner states that corrected drawing sheets in compliance with 37 C.F.R. §1.121(d) are required in reply to the instant Office Action to avoid abandonment of the instant application.

A new FIG. 44 has been included, illustrating the recoiling of the separator after it has passed through the tooling. Applicant respectfully submits that no new matter is added by this drawing as

the original specification recited at page 5, lines 8-10 that “the plate may be ...recoiled for further processing.” Consequently, the drawings are believed to be in proper form.

### III. The Specification Provides Adequate Written Description of Claim 32

At page 3, section 3 of the instant Office Action, claim 32 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner is of the opinion that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner asserts that there is insufficient disclosure for the step of coiling the sheet “after the sheet has been passed through the tool”. The Examiner states that neither the figures nor the specification, as originally presented, teach such a method step with sufficient specificity.

Applicant respectfully traverses this rejection. Applicant submits that the claimed invention is described with sufficient particularity to demonstrate that Applicant had possession of the claimed invention, namely coiling the sheet after the sheet has been passed through the tool. Indeed, Applicant teaches, at page 5, lines 7-10 of the specification, that *manufacture of the bipolar separator plate* of the present invention is *accomplished by producing repeated finite sub-sections of a bipolar separator plate in continuous mode, and that the plate may be* cut to any desirable length in multiples of the repeated finite sub-section and processed through final assembly, or *recoiled* for further processing. Applicant teaches that stamping tooling 31 is provided to receive raw material in the form of sheet metal 32 dispensed from a coil 33 (page 9, lines 10-11), and that the tool operator may selectively produce a plurality of separator plates of any desirable length.

Thus, Applicant teaches passing a sheet through a tool and recoiling the sheet after such passage. Therefore, the specification as filed provided ample support for coiling the sheet after the sheet has been passed through the tool. Additionally, new Fig. 44 shows recoiling of the separator.

Accordingly, Applicant respectfully requests that the rejection of claim 32 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement be reconsidered and withdrawn.

#### **IV. Busenbender Is Not Prior Art**

At page 4, section 5 of the instant Office Action, claims 1, 12, 31 and 33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Busenbender, U.S. patent Appln. Pub. No. 2002/0081478. Applicant respectfully traverses this rejection.

Applicant respectfully points out that the present application is a divisional application of, and claims priority to, Patent Application No. 09/714,526, which was filed on **November 16, 2000** (now U.S. Patent No. 6,777,126) and claims priority to Provisional Application Nos. 60/165,712, filed on November 16, 1999; 60/187,526, filed on March 7, 2000; and 60/242,760, filed on October 24, 2000, which provide support for the pending claims. The 09/714,526 application **predates** the 35 U.S.C. §102(e) date of Busenbender, which is **October 25, 2001**. Consequently, Busenbender is an improper 35 U.S.C. §102(e) reference. Accordingly, Applicant respectfully requests that the rejection of claims 1, 12, 31 and 33 under 35 U.S.C. §102(e) as being anticipated by Busenbender be reconsidered and withdrawn.

**V. Claims 10 and 11 Are Nonobvious over Busenbender in View of Marianowski**

At page 5, section 7 of the instant Office Action, claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Busenbender in view of Marianowski, U.S. Patent No. 6,261,710. Applicant respectfully traverses this rejection.

For at least the reasons set forth above, Applicant respectfully submits that Busenbender is not proper prior art over the instant specification. The secondary reference, Marianowski, fails to teach or suggest each and every element of claims 10 and 11. Marianowski fails to teach or suggest the step of forming a pattern on a central portion of a sheet, the pattern including *ribs* defining a fuel flow path on a first side of the sheet and an oxidant flow path on an opposed second side of the sheet.

Accordingly, the cited art fails to render the claimed invention obvious. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claims 10 and 11 under §103(a) over Busenbender in view of Marianowski.

**VI. Claim 13 Is Nonobvious over Busenbender in View of Mientek**

At page 6, section 8 of the instant Office Action, claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Busenbender in view of Mientek, U.S. Patent No. 4,514,475. Applicant respectfully traverses this rejection.

For at least the reasons set forth above, Applicant respectfully submits that Busenbender is not proper prior art over the instant specification. The secondary reference, Mientek, fails to teach or suggest each and every element of claim 13. Mientek fails to teach or suggest the step of forming a pattern on a central portion of a sheet, the pattern including *ribs* defining a fuel flow path on a first side of the sheet and an oxidant flow path on an opposed second side of the sheet.

Accordingly, the cited art fails to render the claimed invention obvious. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of claim 13 under §103(a) over Busenbender in view of Mientek.

**VII. Allowable Subject Matter**

Applicant thanks the Examiner for the indication that claims 2-9 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Since claim 1 is believed to be allowable in its present form, as discussed above, claims 2-9, which depend from claim 1, are believed to be allowable in their present form.

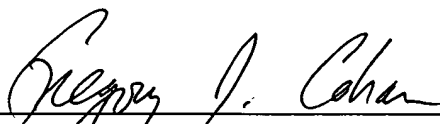
**VIII. Conclusion**

Having addressed all outstanding issues, Applicant respectfully requests reconsideration and allowance of all pending claims. To the extent the Examiner believes that it would facilitate allowance of the case, the Examiner is requested to telephone the undersigned at the number below.

Respectfully submitted,

Date:

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